

REMARKS

Claims 1-9 and 20 were pending and rejected. Claims 1, 9 and 20 are being amended. Reconsideration is respectfully requested.

The Examiner rejected claims 1-9 and 20 under 35 USC § 103 over Wahl in view of Paul. Specifically, citing column 25 lines 1-10, the Examiner suggests that Wahl teaches increasing the data transmission speed but does not teach reducing the transmission speed, as recited in the claims. The Examiner then suggests that Paul teaches reducing the transmission speed, and that combination with Wahl would be obvious since one skilled in the art would want to increase security.

Claim 1 as amended requires “configuring a network path between a first disk subsystem and a second disk subsystem to increase the speed of data transmission across the network path,” “performing an initial remote copy operation to copy data across the network path from the first disk subsystem to the second disk subsystem; and “adjusting the network path to reduce the speed of data transmission across the network path, thereby reducing the speed of at least one subsequent remote copy operation between the first disk system and the second disk system.”

Similarly, claim 9 as amended requires a machine-readable medium having instructions to “configure a network path between a first disk subsystem and a second disk subsystem to increase the speed of data transmission across the network path,” “perform an initial remote copy operation to copy data across the network path from the first disk subsystem to the second disk subsystem,” and “adjust the network path to reduce the speed of data transmission across the network path and thereby reduce the speed of at least one subsequent remote copy operation between the first disk system and the second disk system.”

Claim 20 as amended requires “means for configuring the network path to cause an initial remote copy operation between the first disk subsystem and the second disk subsystem to occur at an initial data transmission speed that is faster than a subsequent data transmission speed of at least one subsequent remote copy operation.”

Wahl teaches a computer data remote mirroring system. Specifically, column 25 lines 1-20, as cited by the Examiner, specifically teaches that bandwidth can be increased by optional network banding. However, Wahl does not teach that data transmission speeds can be increased for an initial remote copy operation between two disk subsystems and then reduced for a subsequent remote copy operation between the two disk subsystems, as recited in amended claims 1, 9 and 20.

Paul teaches parallel path trunking, such that n 802.3 full duplex links can provide full duplex 802.3 service to MAC clients. Paul indicates that the purpose of such trunking is to increase the bandwidth available between DTEs. Paul indicates that procedures will have to be put in place to control the physical links (addition and deletion) to and from the logical links. Paul does not teach that data transmission speeds can be increased for an initial remote copy operation between two disk subsystems and then reduced for a subsequent remote copy operation between the two disk subsystems, as recited in amended claims 1, 9 and 20.

Further, the Examiner indicates that the motivation for reducing data transmission speed and thus for combining Wahl and Paul is to increase security. However, nothing in Wahl or Paul motivates the reduction of security for the initial remote copy operation. Following the Examiner's logic, Wahl and Paul would motivate a designer to increase security and thus reduce data transmission speed for all remote copy operations, including the initial remote copy operation. Accordingly, Applicant respectfully submits that the Examiner's reasoning fails.

Since neither Wahl nor Paul teach that data transmission speeds can be increased for an initial remote copy operation between two disk subsystems and then reduced for a subsequent remote copy operation between the two disk subsystems, as recited in amended claims 1, 9 or 20, Applicant respectfully submits that claims 1, 9 and 20 and claims 2-8 dependent therefrom are patentable over Wahl in view of Paul.

If the Examiner has any questions or needs any additional information, Applicant invites the Examiner to contact the undersigned.

Respectfully submitted,

Dated: April 5, 2005
Squire, Sanders & Dempsey L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043
Telephone (650) 856-6500
Facsimile (650) 843-8777

By Marc A. Sockol
Marc A. Sockol
Attorney for Applicants
Reg. No. 40,823

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Cathi Thoressell